



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JUL 13 2005

Ms. Rachael A. Hamilton
Frost Brown Todd, LLC
400 West Market Street
Louisville, Kentucky 40202

04-2005-9934

RE: Voluntary Self-Disclosure of EPCRA Violations - Advanced ChemTech, Inc.

Dear Ms. Hamilton :

Enclosed please find a Notice of Determination concerning violations of the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. § 1101 et seq.

The Environmental Protection Agency (EPA) is in receipt of your letter dated April 25, 2005, in which you disclosed violations of EPCRA on behalf of your client, Advanced ChemTech, Inc., at its facility located in Louisville, Kentucky. Based on the Final Policy Statement, "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations," (Audit Policy), 65 FR 19618 (April 11, 2000), EPA will not seek any gravity-based penalties as all violations were discovered, disclosed, and corrected in accordance with the Audit Policy. In addition, EPA will not seek to recover any economic benefit gained as a result of noncompliance.

Should you have any questions regarding this letter, please contact me at 404/562-9537.

Sincerely,

Marcia W. Hunter
Paralegal Specialist

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

In the Matter of:)
) NOTICE OF DETERMINATION
Advanced ChemTech, Inc.)
)
Respondent.)
) DOCKET NUMBER: 04-2005-9934
Proceeding under Section 325(c) of the)
Emergency Planning and)
Community Right-To-Know Act (EPCRA))

FINAL DETERMINATION

Pursuant to the "Final Policy Statement on Small Business Compliance Policy" (65 Fed. Reg. 19630, April 11, 2000) (Policy), the Environmental Protection Agency, Region 4 (EPA) hereby issues this Final Determination on violations disclosed to EPA by Advanced ChemTech, Inc. (Advanced) at its facility located in Jefferson, Kentucky.

SMALL BUSINESS COMPLIANCE POLICY

EPA issued the Small Business Compliance Policy to promote environmental compliance among small businesses by providing incentives for them to make use of compliance assistance programs, environmental audits, or compliance management systems (CMS), or to participate in any activities that may increase small businesses' understanding of the environmental requirements with which they must comply. To address the special needs of small businesses, EPA issued the "Small Business Compliance Policy". The Policy applies to facilities owned by a small business which is defined as a person, corporation, partnership, or other entity that employs 100 or fewer individuals (across all facilities and operations owned by the small business). EPA retains its discretion to recover any economic benefit gained as a result of noncompliance. Where the disclosing party establishes that it satisfies all of the conditions listed below, as set forth in the Policy, EPA will not seek gravity-based penalties for violations of federal environmental requirements: (1) Discovery of the violation(s) is voluntary; (2) Disclosure period is met, and; (3) Violation(s) is corrected.

FINDINGS OF FACT

In a letter to EPA dated April 25, 2005, Advanced admitted the following violations of the Emergency Planning and Community Right-to-Know Act (EPCRA):

Violation 1: Advanced failed to timely submit Toxics Release Inventory (TRI) reports for N-N-Dimethylformamide, Methanol, and 1,3 Dichloroethane to the EPA and the State of Kentucky for calendar years 2002 and 2003, as required by Section 313 of EPCRA, 42 U.S.C. §11023.

Under EPA's Enforcement Policy for EPCRA violations, a gravity-based penalty of \$187,000.00 could have been assessed for these non-reporting violations.

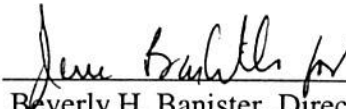
FINAL DETERMINATION

Pursuant to the Audit Policy and based on information provided by the facility, EPA makes the following final determination for the disclosure identified above. The facility meets the conditions of the Audit Policy for 100 percent elimination of gravity-based penalties for these violations. EPA will not seek gravity-based penalties for these violations. The facility gained no apparent economic benefit as a result of these violations.

Consistent with the purposes of the Audit Policy, EPA expects the facility to institute, on a continuing and company-wide basis, the internal policies and procedures necessary to prevent recurrence of violations of environmental requirements.

7/13/05

Date



Beverly H. Banister, Director

Air, Pesticides & Toxics Management Division

EPA - Region 4



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JUL 13 2005

MEMORANDUM

SUBJECT: Advanced ChemTech, Inc., - Voluntary Self-Disclosure

FROM: Marcia W. Hunter *Marcia W. Hunter*
Paralegal Specialist
Office of RCRA, OPA, UST, Federal Facilities Legal Support

THRU: V. Anne Heard, Chief *Matt/for V. Anne Heard*
Office of RCRA, UST, OPA and Federal Facilities Legal Support

TO: Anthony Toney, Chief
EPCRA Section

This memorandum transmits our analysis of the voluntary self-disclosure of possible violations of Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). These recommendations are based on the guidelines in the Environmental Protection Agency's (EPA's) "Small Business Compliance Policy," (Policy), 65 Fed. Reg. 19630 (April 11, 2000). We conclude that Advanced ChemTech, Inc., (Advanced) did violate Section 313 of EPCRA by failing to timely submit Toxics Release Inventory (TRI) reports for N-N-Dimethylformamide, Methanol, and 1,3 Dichloroethane to the EPA and the State of Kentucky for calendar years 2002 through 2003, as required by Section 313 of EPCRA, 42 U.S.C. § 11023. We recommend assessing no penalty against Advanced for these violations.

Background

In its disclosure letter to EPA dated April 25, 2005, Ms. Rachael A. Hamilton, Counsel for Advanced disclosed to EPA that Advanced may have violated Section 313 of EPCRA at its facility located in Jefferson, Kentucky by failing to timely submit TRI reports for reporting years 2002 through 2003 for the following.

2002

N-N- Dimethylformamide
Methanol
1,3 Dichloroethane

2003

Methanol
N-N- Dimethylformamide

EPA responded to Advanced's disclosure letter on May 11, 2005. In that letter EPA requested additional information needed to determine if the facility was met the conditions of the Policy. On June 10, 2005, Advanced submitted its response to EPA's request and addressed the conditions as required by the Policy.

Advanced filed for Chapter 11 bankruptcy protection on March 5, 2003, along with an affiliated company, Advanced SynTech. The United States Bankruptcy Court, Western District of Kentucky, Louisville Division, entered orders appointing Robert W. Leasure as the Trustee of the Debtor's bankruptcy estates in response to a November 2003 motion filed by Advanced's primary secured debt holder seeking the appointment of a Chapter 11 trustee. Advanced has closed its business.

EPA has determined that the facility is a small business and is eligible to qualify as a small business under the Small Business Compliance Policy. The Policy allows small businesses to obtain penalty relief if violations are discovered by any voluntary means in addition to discovery as the result of government sponsored on-site compliance assistance activities or environmental audits. Advanced submitted the reports to EPA on June 10, 2005. Having reviewed this information, our assessment is as follows.

Discussion

1. Discovery is Voluntary. Section D(1) of EPA's Small Business Policy (Policy) provides that in order to qualify, the small business must discover the violation on its own before an EPA or State inspection. A small business may discover the violation after receiving compliance assistance, conducting an environmental audit or participating in mentoring programs. The April 25, 2005, letter from Ms. Hamilton stated that the discovery of the EPCRA compliance violations at its Jefferson, Kentucky facility came following an environmental audit requested by Mr. Robert W. Leasure, Trustee for Advanced. The Small Business Compliance Policy allows small businesses to obtain penalty relief if violations are discovered by any compliance assistance activities or environmental audits. The Office of Legal Support concludes that the violation was discovered through a compliance assistance activity as the Policy requires.
2. Disclosure Period is met. Under Section D(2) of the Policy, the small business must disclose a specific violation fully and in writing to EPA or the State within 21 calendar days after it discovers that the violation has occurred, or may have occurred. Advanced discovered the EPCRA Section 313 violation on March 7, 2005, and disclosed them to EPA on April 25, 2005. While the 21 calendar day period was not met, this was due to the fact that the court appointed trustee for Advanced was not made aware of the violations until after the actual discovery date. Following his discovery of the violation, Mr. Leasure informed EPA of the violations. It appears that Advanced's disclosure was made within 21 days as required by the Policy.
3. Violation is Corrected. Section D(3) of the Policy requires the entity to correct the violation(s) within the shortest practicable period of time. For any violation that cannot be corrected within 90 calendar days of its discovery, the small business must submit a written schedule, or the agency may, at its sole discretion, elect to issue a compliance order with a schedule, as appropriate. The small business must correct any violations within 180 calendar days after the date that they were disclosed. If the small business intends to correct the violation by putting into place pollution prevention measures, the business may take an additional period of up to 180 calendar days, i.e., up to a period of 360 calendar days from the date the violation is discovered. Advance satisfied this requirement when it submitted its report on April 27, 2005, which was less than 90 days after discovery of the violation.

The Policy does not apply if the facility has the following noncompliance history:

- i. The entity has previously received a warning letter, notice of violation, or field citation, or been subject to a citizen suit or any other enforcement action by a government agency for a violation of the same requirement within the past three years.
- ii. The entity has been granted penalty reduction under this Policy (or a similar State or Tribal Policy) for a violation of the same or a similar requirement within the past three years.
- iii. The entity has been subject to two or more enforcement actions for violations of environmental requirements in the past five years, even if this is the first violation of this particular requirement.
- iv. The violation was discovered through an information request, inspections, field citations, reported to a federal, state or local agency by a member of the public or a "whistleblower" employee, identified in notices of citizen suits, previously reported to an agency, or through an investigation unless the facility can demonstrate that it did not know that the agency had initiated the investigation and has disclosed in good faith.
- v. The violation has caused actual serious harm to public health, safety, or the environment.
- vi. The violation is one that may present an imminent and substantial endangerment to public health, safety or the environment; or
- vii. The violation involves criminal conduct.

Advanced voluntarily discovered, corrected and disclosed its EPCRA Section 313 violation to EPA as required by the Policy. The violation was discovered on or about March 7, 2005, disclosed to EPA on April 25, 2005, and corrected on April 27, 2005. Further, the facility does not have a history of noncompliance. We therefore conclude that Advanced has met this condition as well.

Conclusion and Recommendation

Since Advanced employed fewer than 100 employees, qualifies as a small business, and based upon our review of the information submitted to EPA, we have concluded that Advanced has met all of the conditions for a 100% gravity-based penalty reduction as required by the Policy. We therefore recommend that no penalty be assessed against Advanced and that a Notice of Determination be issued.

ADMINISTRATIVE ACTION DATA SHEET

(To Be Submitted to OEA When:

- (1) a Complaint is Filed;
- (2) When a CAFO(b) Filed, Along with a Case Conclusion Data Sheet
- (3) a Non-Penalty Order is Issued; Along with a Case Conclusion Data Sheet)

1. Court Docket/Regional Hearing Clerk Docket No. _____

2. Case Name Advanced ChemTech, Inc

EPA Lead Attorney Marcia Glenn Hunter Phone No. 29537

EPA Program Contact Elisa Roper
Priscilla Evans Phone No. 29147

Facility Information

Information for One Facility (If More Facilities, Attach Additional Pages.)

(Use Location of Site of Violation; DO NOT use a P.O. Box #.)

9. Facility Name Advanced ChemTech, Inc

10. Street Address 5609 Fern Valley Rd County _____

City Louisville State Ky Zip Code 40228

Primary 4-Digit SIC Code 2833 (b) Other 4-Digit SIC Codes _____

EPA FRS No. _____

Is This a Federal Facility? ☐ Yes ☒ No

Is This Indian Land? ☐ Yes ☒ No
If Yes, What Tribe? _____

Is This a Small Business? ☒ Yes ☐ No
("A person, corporation, partnership, or other entity that employs 100 or fewer employees.")

Is The Facility Located in an EJ Area? ☐ Yes ☒ No
If Yes: ☐ Low Income ☐ Minority Population ☐ Both ☐ Other

Note: Question Numbers Correspond with the Case Conclusion Data Sheet Guidance Booklet, Dated August 2004.
If You Have Any Questions, Please Contact Teresa Shirley-Wright at 2-9647 or Priscilla Johnson at 2-9614.

7. Respondents/PRPs List:

[illegible]

Continue on Attached Page, if Necessary

8. Statute(s) and Section(s) Violated (**NOT** Authorizing Section Nor CFR):

EPCRA / 311 ; EPCRA / 312 ; EPCRA 313 EPCRA 302/303

Authorizing Section for Administrative Actions: /

If CERCLA, Is the Site on the NPL? Yes No

12. CFR Violation Citation(s):

40 CFR Part Section 40 CFR Part Section

40 CFR Part Section 40 CFR Part Section

Is this a MULTI-MEDIA action? Yes No

If Yes, check all that apply:

CAA:

- ☐ Mobile Source (Title II)
- ☐ Stationary Source (Other Than Title II)
- ☐ Prevention of Accidental Releases (112(r))

CERCLA:

- ☐ Hazardous Site Response (CERCLA Superfund Other Than 103 and/or RCRA 3013 or 7003)

CWA:

- ☐ NPDES (Other Than 311 and 404)
- ☐ Oil Pollution (311)
- ☐ Wetlands (404)

EPCRA or EPCRA/CERCLA

- ☒ Community Right-to-Know (313)
- ☐ Release Notification/Emergency Preparedness (Non-313 and/or CERCLA 103)

FIFRA:

- ☐ Pesticides

MPRSA:

- ☐ Ocean Dumping

RCRA:

- ☐ Hazardous Waste Mgmt (Subtitle C)
- ☐ Solid Waste Mgmt (Subtitle D)

SDWA:

- ☐ Public Water Supply (1414 et seq.)
- ☐ UIC (1421 et seq.)

TSCA:

- ☐ Asbestos Hazardous Emergency Response Act (201)
- ☐ Lead Exposure Reduction (409)
- ☐ PCBs (6(e))
- ☐ Toxic Substances (Other Than Lead or PCBs)

UST:

- ☐ Underground Storage Tanks (Subtitle I)

Was The Agency Activity Taken in Response to Environmental Justice Concerns? Yes No

PRIORITY INFORMATION

MOA Priority (Check All That Apply):

CAA Air Toxics:

- ☐ NSR/PSD Non-Coal-Fired Power Plant
- ☐ NSR/PSD Coal-Fired Power Plant

Wet Weather:

- ☐ CAFO (AFLOT)
- ☐ CSO (CSO)
- ☐ SSO (SS)
- ☐ Stormwater - MS4
- ☐ Stormwater - Industrial Non-Construction
- ☐ Stormwater - Industrial Construction

Petroleum Refining:

- ☐ Petroleum Refining

Tribal:

- ☐ Tribal

Mineral Processing:

- ☐ Phosphoric Acid
- ☐ Non-Phosphoric Acid
- ☐ Mining

Regional Priority (Check All That Apply):

- ☐ Coastal & Inland Marinas
- ☐ Corrective Action Facilities
- ☐ Geographic Initiative
- ☐ Hazardous Waste Facilities
- ☐ Metal Galvanizers
- ☐ Mobile Bay Compliance Assurance Initiative
- ☐ Plastics & Synthetic Resin Manufacturers
- ☐ Textile Industry
- ☐ Wood Preserving Facilities

Date Complaint Filed: _____

Proposed Penalty Amount \$ _____
(Should be Amount Prior to Reductions Using a
Penalty Policy.)

Is This An Amended Complaint: ☐ Yes ☐ No

AND/OR Proposed Cost
Recovery Amount \$ _____

Self Disclosure Information

Did Company Self-Disclose Violations? ☒ Yes ☐ No

Does Company Have Less Than 100 Employees? ☒ Yes ☐ No

(Note: If Yes, Treat As If Violations Were Disclosed Under EPA's Small Business Policy)

Date Violations Disclosed: 04, 25, 05

Has the Inspection Information Been Entered into ICIS? ☐ Yes ☐ No

If Yes, What is the ICIS Compliance Monitoring Activity Name (Exactly): _____

What Type of Inspection was Conducted (Statute/Section)? _____

Date of Inspection: _____

Violation Types

CAA

- ☐ Asbestos Demolition/Renovation Work Practices Requirements
- ☐ Asbestos Requirement Violation
- ☐ Asbestos-In-Schools Violation
- ☐ Discharge, Emission, or Activity Without Required Permit
- ☐ Violation of Permit Requirement
- ☐ National Emission Standard for Hazardous Air Pollutant
- ☐ New Source Review
- ☐ Prevention of Significant Deterioration
- ☐ Risk Management Plan
- ☐ Stratospheric Ozone Protection Violation
- ☐ Tampering w/Emissions Control Device
- ☐ Violation of Reporting Requirements
- ☐ Violation of Requirement to Monitor/Maintain Records
- ☐ Other/Miscellaneous

FIFRA

- ☐ Container Requirements
- ☐ Exports Violation
- ☐ Imports Violation
- ☐ Failure to Notify
- ☐ Failure to Report Information As Required
- ☐ General Facility Requirements
- ☐ Good Laboratory Practices
- ☐ Packaging Requirements
- ☐ Labeling/Marking Requirements
- ☐ Microbial Violations
- ☐ Violation of Previously Issued AO
- ☐ Violation of Information Letter Response
- ☐ Violation of Storage Facility Requirements
- ☐ Violations of Reporting Requirements
- ☐ Violation of Requirement to Monitor/Maintain Records
- ☐ Other/Miscellaneous
- ☐ Worker Protection Standards

NPDES

- ☐ Animal Feedlots
- ☐ Discharge, Emission, or Activity Without a Required Permit
- ☐ Sanitary Sewer Overflows
- ☐ Stormwater Overflows
- ☐ Violation of a Permit Requirement
- ☐ Violation of Requirement to Monitor/
Maintain Records

RCRA

- ☐ Battery Management Act Violation
- ☐ Benzene Waste
- ☐ Bevill Enforcement Case
- ☐ Closure & Post-Closure Requirements
- ☐ Container Requirements
- ☐ Discharge, Emission, or Activity Without Required Permit
- ☐ Disposal Facility Requirements - Not Otherwise Specified
- ☐ Exports Violation
- ☐ Imports Violation
- ☐ Failure to Notify
- ☐ Failure to Report Information as Required
- ☐ General Facility Requirements
- ☐ Groundwater Monitoring Requirements
- ☐ Labeling/Marking Requirements
- ☐ Land Ban
- ☐ Monitoring Requirements
- ☐ K061 Initiative
- ☐ Misidentified Waste
- ☐ Permit Evader
- ☐ Treatment Facility Requirement
- ☐ Violation of a Previously Issued AO
- ☐ Violation of a Permit Requirement
- ☐ Violation of Requirement to Monitor/
Maintain Records

UIC

- ☐ Casing & Cementing
- ☐ Injection Between Outermost Casing
- ☐ Injection Beyond Authorized Pressure
- ☐ Mechanical Integrity
- ☐ No Approved Plugging & Abandonment Plan
- ☐ Non-Compliance with Plugging & Abandonment Plan
- ☐ Unauthorized Injection
- ☐ Unauthorized Operation of Class IV Well
- ☐ Violation of Reporting Requirements
- ☐ Violation of Requirement to Monitor/
Maintain Records
- ☐ Other/Miscellaneous

UST

- ☐ Leak Detection and Repair (LDAR)
- ☐ Requirements Other Than LDAR

PWS

- ☐ Failure to Submit DMR
- ☐ Maximum Contaminant Level
- ☐ Monitoring/Reporting
- ☐ Notification to Public
- ☐ Sampling & Analyzing
- ☐ Total Coliform Rule
- ☐ Violation of a Permit Requirement
- ☐ Other/Miscellaneous

OPA

- ☐ Failure to Have an Adequate SPCC Plan
- ☐ Spill

EPCRA & EPCRA/CERCLA

- ☐ CERCLA Reportable Quantity Discharge Violation
- ☐ Toxics Release Inventory (Section 313)
- ☐ Violation of Requirement to Monitor/
Maintain Records
- ☒ Violation of Reporting Requirements

Wetlands

☐ Discharge Without or In Violation of a
404 Permit

☐ Other/Miscellaneous

TSCA

☐ Accreditation

☐ Asbestos Demolition/Renovation
Work Practices Requirements

☐ Asbestos Requirement Violation

☐ Asbestos-In-School Violation

☐ Closure & Post-Closure Requirements

☐ Container Requirements

☐ Discharge, Emission, or Activity
Without Required Permit

☐ Disposal Facility Requirements - Not
Otherwise Specified

☐ Imports Violation

☐ Exports Violation

☐ Failure to Notify

☐ Failure to Report Information As
Required

☐ Labeling/Marking Requirements

☐ Violation of PCB Rules

☐ Lead Paint Rule

☐ Pre-Manufacturing Notice Requirements

☐ Violation of Information Letter Request

☐ Violation of a Permit Requirement

☐ Violation of Reporting Requirements

☐ Violation of Requirement to Monitor/
Maintain Records

☐ Violation of Storage Facility
Requirements

☐ Other/Miscellaneous

☐ Worker Protection Standards

CASE CONCLUSION DATA SHEET

(To be Submitted to OEA When:

- (1) Judicial Consent Decrees/Orders are Entered by Court
- (2) Administrative Penalty Settlements are Filed, Along with an Administrative Action Data Sheet
- (3) Administrative Non-Penalty Orders are Issued, Along with an Administrative Action Data Sheet)

Note: Form will be returned if this section is incomplete:

Name of Person Completing Form: Marcia Glenn Hunter Date: 07-14-05

Signature of Program Office Supervisor or Designee: _____ Date: _____

A. Case and Facility Background

1. Court Docket/Regional Hearing Clerk Docket No. _____

2. Case Name Advanced ChemTech, Inc.

3. Settlement Action Type:

- ☐ (a) Consent Decree or Court Order Resolving a Civil Judicial Action
- ☐ (b) Administrative Penalty Order (with/without Injunctive Relief)
- ☐ (c) Superfund Administrative Cost Recovery Agreement
- ☐ (d) Federal Facility Compliance Agreement (NOT including RCRA Matters)
- ☐ (e) Field Citations
- ☐ (f) Administrative Compliance Orders
- ☒ (g) Notice of Determination (Self-Disclosure Cases)

4(a) EPA Lead Attorney Marcia Glenn Hunter Phone No. 29537

4(b) EPA Program Contact Priscilla Evans Phone No. 29147-47

5. Was An Environmental Management System Requested? ☐ Yes ☐ No

6. Action Dates (Complete EITHER Administrative or Judicial):

Administrative:

Issued/Filed _____ Final Order _____

Judicial:

Settlement Lodged _____ Settlement Entered _____

Estimated Termination Date: _____

8. Statute(s) and Section(s) Violated (NOT Authorizing Section Nor CFR):

EPCRA / 311 ; EPCRA / 312 ; EPCRA / 313 ; EPCRA / 302/303

Authorizing Section for Administrative Actions: 1

9. Facility Name Advanced ChemTech, Inc. State Ky

How Many Facilities Are Associated With This Action? 1

Are Any of These Facilities Located Outside Region IV? ☐ Yes ☒ No

ALTERNATIVE DISPUTE RESOLUTION

15. Was Alternative Dispute Resolution (ADR) Used in This Case?

☐ Yes

☒ No (Skip to Next Page.)

of Parties in Your Case? _____

Of Parties Taking Part in Mediation? _____

Which ADR Process or Processes Were Used? (Can Check More Than One)

☐ Facilitation

☐ Facilitated Negotiation

☐ Mediation for One Part of Case

☐ Mediation for Entire Case

☐ For Cost/Allocation/Penalties

☐ For Injunctive Relief

☐ Other _____

Who was Your Mediator? _____

How Did You Obtain Your Mediator? _____

Was This Mediator Effective?

☐ Yes. How So? _____

☐ No. Why Not? _____

Was ADR Useful in Fostering Clearer and More Effective Communication Between
The Parties? ☐ Yes ☐ No

Did ADR Help Resolve the Conflict it was Selected For? ☐ Yes ☐ No

If Not, Why Not? _____

Did ADR Help Resolve Conflicts That Were Apart From the Conflict it was Selected For?

☐ Yes. Why? _____

☐ No

Were you Satisfied with the ADR Process You Went Through in Your Case?

☐ Yes Why? _____

☐ No Why Not? _____

Would You Consider Using ADR Again? ☐ Yes ☐ No

If Yes, What Would You Anticipate Using it For? _____

If No, Why Not? _____

How Could the Usefulness of ADR Have Been Improved in Your Case? _____

How Could EPA's Use of ADR be Improved in General? _____

How Could EPA Better Assist You in Obtaining and Effectively Using ADR Services? _____

B. Penalty Information (If there is no penalty, enter 0 and proceed to Page 6.)

11. For Multi-Media Actions, Federal Amounts by Statute:

Statute	Amount
_____	\$ _____
_____	\$ _____
_____	\$ _____

12(a). Total Assessed Penalty \$ _____

12(b). (If Shared) Federal Share \$ _____

13. (If Shared) State or Local Share \$ _____

C. Cost Recovery

14. Amount of Cost Recovery Awarded:

\$ _____ EPA Share

\$ _____ State and/or Local Government Share

\$ _____ Other

Was this an overfile action? ____Yes ____No

(Overfiling occurs when (1) a state/local delegated or approved program has taken no action or an Inadequate action to address a violation at a facility; AND (2) EPA takes an enforcement action against the same facility for the same violation; AND (3) the state has not joined with EPA in the EPA action nor asked EPA to bring the action.)

C. Supplemental Environmental Project (SEP) Information

15. Is Environmental Justice Addressed by SEP? ☐ Yes ☐ No

16. SEP Description _____

17. Categories of SEPs (Check all appropriate categories. If no, proceed to #25)

☐ (a) Public Health

☐ (b) Pollution Prevention (Complete Question #19)

☐ (1) Equipment/Technology Modifications

☐ (2) Process/Procedure Modifications

☐ (3) Product Reformulation/Redesign

☐ (4) Raw Material Substitution

☐ (5) Improved Housekeeping/O&M/Training/Inventory Control

☐ (6) In-Process Recycling

☐ (7) Energy Efficiency/Conservation

☐ (c) Pollution Reduction (Complete Question #19)

☐ (d) Environmental Restoration and Protection

☐ (e) Assessments and Audits

☐ (f) Environmental Compliance Promotion

☐ (g) Emergency Planning and Preparedness

☐ (h) Other Program Specific SEP (Specify) _____

18. Cost of SEP. Cost Calculated by the PROJECT Model is Preferred. \$ _____

19. Quantitative Environmental Pollutants and/or Chemicals and/or Waste Streams, Amount of Reductions/Eliminations (e.g. Emissions/Discharges)

Pollutants/Chemical Waste Stream	Annual Amount CHECK ONE: <input type="checkbox"/> Reduced <input type="checkbox"/> Eliminated <input type="checkbox"/> Treated	Units**	Potentially Impacted Media***
_____	_____	_____	_____
_____	_____	_____	_____

****Acceptable Units:**

Pounds Per Year
People
Acres
Linear Feet (Small Stream)
Linear Feet (Medium Stream)
Linear Feet (Large Stream)
Gallons Per Year
Pounds

*****Acceptable Impacted Medias:**

Air
Land
Water (Navigable/Surface)
Water (Wetlands)
Water (Wastewater to POTW)
Water (Underground Source of Drinking Water)
Water (Ground)
Animals/Plants/Humans
Buildings/Houses/Schools

E. Injunctive Relief/Compliance Actions (Non-SEP Related)

Note: Penalty orders without injunctive relief and Superfund administrative cost recovery agreements SHOULD SKIP THIS SECTION.

20. What action did violator accomplish prior to receipt of settlement/order or will take to return to compliance or meet additional requirements (other than what has already been reported on the Inspection Conclusion Data Sheet (ICDS)). This may be due to settlement/order requirements or otherwise required by statute or regulations (e.g. actions related to an APO which did not specify compliance requirements). Where separate penalty and/or compliance orders are issued in connection with same violation(s), report the following information for only one. Select response(s) from the information on pages 6 through 21.

Explanation for "Annual Amount" field: OECA has conservatively chosen to use one year as the period of time over which a reduction/elimination credit is taken. OECA is requesting that the annual pollutant reduction ONCE the complying action(s) has been fully implemented be reported on this form. Thus, if the pollutant reduction is a continuous action (e.g., implementation of a treatment technology), you would report one year's worth of pollutant removal benefits. For example, if the complying action will include the addition of new treatment technology over several years at a facility, then the pollutant benefit for purposes of completing this form represents the pollutant reduction that occurs over one year once the technology has been put into place. If the pollutant reduction occurs as a one time (or short term) action, then you should report the total pollutant removal benefit.

CAA

For instructions and methodologies for calculating information for Direct Environmental Benefits and Preventative Actions, refer to **Section 6** of the Case Conclusion Data Sheet Guidance, Dated August 2004.

Actions With **DIRECT** Environmental Benefits and/or **DIRECT** Response/Corrective Action:

Cost: \$ _____ (REQUIRED! Form will be returned if this field is blank!)

CAA 111 (Standards of Performance for New Stationary Sources (NSPS))

CAA 112 (Hazardous Air Pollutants):

- ☐ Source Reduction
- ☐ Industrial/Municipal Process Change
- ☐ Leak Repair

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Units</u>	<u>Potentially Impacted Media</u>
1. _____	_____	<u>Lbs per Year</u>	<u>Air</u>
2. _____	_____	<u>Lbs per Year</u>	<u>Air</u>

CAA 112(d) (MACT Standards)

CAA 112(e) (MACT Adoption Schedule)

CAA 112(g) (Modification)

CAA 112(h) (Work Practices)

CAA 112(i) (Permits/Compliance Schedule)

CAA 112(k) (Area Source MACT)

CAA 112(r) (General Duty/Accident Release):

- ☐ Source Reduction
- ☐ Industrial Municipal Process Change
- ☐ Emissions/Discharge Change

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Units</u>	<u>Potentially Impacted Media</u>
1. _____	_____	<u>Lbs per Year</u>	<u>Air</u>
2. _____	_____	<u>Lbs per Year</u>	<u>Air</u>

If additional pollutants (and corresponding information) should be listed, attach info to end of this form.

CAA Direct Environmental Benefits Continued:**CAA 165 (Prevention of Significant Deterioration (PSD)****CAA 173 (New Source Review (NSR) Permit Requirements):**

☐ Source Reduction
☐ Emissions/Discharge Change

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Units</u>	<u>Potentially Impacted Media</u>
1. _____	_____	<u>Lbs per Year</u>	<u>Air</u>
2. _____	_____	<u>Lbs per Year</u>	<u>Air</u>

CAA 608 (National Recycling & Emission Reduction Program):

☐ Source Reduction
☐ Emissions/Discharge Change

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Units</u>	<u>Potentially Impacted Media</u>
1. _____	_____	<u>Lbs per Year</u>	<u>Air</u>
2. _____	_____	<u>Lbs per Year</u>	<u>Air</u>

CAA 609 (Servicing of Motor Vehicles Air Conditioners):

☐ Emissions/Discharge Change

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Units</u>	<u>Potentially Impacted Media</u>
1. _____	_____	<u>Lbs per Year</u>	<u>Air</u>
2. _____	_____	<u>Lbs per Year</u>	<u>Air</u>

If additional pollutants (and corresponding information) should be listed, attach info to end of this form.

PREVENTATIVE Actions to Reduce Likelihood of Future Releases:

Cost: \$ _____ (REQUIRED! Form will be returned if this field is blank!)

☐ Asbestos Abatement

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Units - CHECK ONE:</u>	<u>Potentially Impacted Media</u>
1. <u>Asbestos</u>	_____	<input type="checkbox"/> Schools <input type="checkbox"/> Buildings	<u>Schools/Housing/Bldgs.</u>
2. <u>Asbestos</u>	_____	<input type="checkbox"/> Schools <input type="checkbox"/> Buildings	<u>Schools/Housing/Bldgs.</u>

If additional pollutants (and corresponding information) should be listed, attach info to end of this form.

CERCLA

For instructions and methodologies for calculating information for Direct Environmental Benefits and Preventative Actions, refer to **Chapter 7** of the Case Conclusion Data Sheet Guidance, Dated August 2004.

Actions With **DIRECT** Environmental Benefits and/or **DIRECT** Response/Corrective Action:

- ☐ In Situ and Ex Situ Treatment
- ☐ Removal of Contaminated Medium
- ☐ Containment

Cost: \$ _____ (REQUIRED! Form will be returned if this field is blank!)

Pollutant/Chemical/Waste Stream ("Contaminated Soil," if applicable, Is acceptable)	Annual Amount	Units	Potentially Impacted Media CHECK ONE:
1. _____	_____	Cubic Yards	<input type="checkbox"/> Soil <input type="checkbox"/> Groundwater*
2. _____	_____	Cubic Yards	<input type="checkbox"/> Soil <input type="checkbox"/> Groundwater*
3. _____	_____	Cubic Yards	<input type="checkbox"/> Soil <input type="checkbox"/> Groundwater*
4. _____	_____	Cubic Yards	<input type="checkbox"/> Soil <input type="checkbox"/> Groundwater*

(*For instructions on how to convert gallons of groundwater to cubic yards of groundwater, refer to Chapter 7 of the Case Conclusion Data Sheet guidance booklet.)

If additional pollutants (and corresponding information) should be listed, attach info to end of this form.

NPDES

For instructions and methodologies for calculating information for Direct Environmental Benefits and Preventative Actions, refer to **Chapter 5** of the Case Conclusion Data Sheet Guidance, Dated August 2004.

Actions With **DIRECT** Environmental Benefits and/or **DIRECT** Response/Corrective Action:

Cost: \$ _____ (REQUIRED! Form will be returned if this field is blank!)

NPDES Sections 301 (Discharge Without a Permit):

___ Source Reduction

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Units</u>	<u>Potentially Impacted Media</u>
1. _____	_____	<u>Lbs Per Year</u>	<u>Navigable/Surface Water</u>
2. _____	_____	<u>Lbs Per Year</u>	<u>Navigable/Surface Water</u>

NPDES Sections 301/307 (Toxic and Pretreatment Effluent Standards):

___ Industrial/Municipal Process Change

___ Emissions/Discharge Change

___ Implement BMPs

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Units</u>	<u>Potentially Impacted Media</u>
1. _____	_____	<u>Lbs Per Year</u>	<u>Wastewater to POTW</u>
2. _____	_____	<u>Lbs Per Year</u>	<u>Wastewater to POTW</u>

NPDES Sections 301/402 (Wet Weather/Other Permit Violations):

___ Industrial/Municipal Process Change

___ Emissions/Discharge Change

___ Implement BMPs

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Units</u> CHECK ONE:	<u>Potentially Impacted Media</u>
1. _____	_____	<input type="checkbox"/> Lbs Per Year <input type="checkbox"/> Miles of Stream Impacted <input type="checkbox"/> Pounds _____	<u>Navigable/Surface Water</u>
2. _____	_____	<input type="checkbox"/> Lbs Per Year <input type="checkbox"/> Miles of Stream Impacted <input type="checkbox"/> Pounds _____	<u>Navigable/Surface Water</u>

If additional pollutants (and corresponding information) should be listed, attach info to end of this form.

NPDES Direct Environmental Benefits Continued:**NPDES Section 405 (Sewage Sludge Disposal):**

 Disposal Change

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Units</u>	<u>Potentially Impacted Media</u>
1. _____	_____	<u>Gallons</u>	<u>Wastewater to POTW</u>
2. _____	_____	<u>Gallons</u>	<u>Wastewater to POTW</u>

NPDES Section 504 (Emergency Powers):

 Industrial/Municipal Process Change

 Emissions/Discharge Change

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Units</u>	<u>Potentially Impacted Media</u>
1. _____	_____	<u>Gallons</u>	<u>Wastewater to POTW</u>
2. _____	_____	<u>Gallons</u>	<u>Wastewater to POTW</u>

If additional pollutants (and corresponding information) should be listed, attach info to end of this form.

PREVENTATIVE Actions to Reduce Likelihood of Future Releases:**CWA Sections 301/402 (NPDES Wet Weather/Other Permit Violations):**

 Storage Change

Cost: \$ _____ (REQUIRED! Form will be returned if this field is blank!)

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Units</u> CHECK ONE:	<u>Potentially Impacted Media</u>
1. _____	_____	<input type="checkbox"/> Lbs Per Year <input type="checkbox"/> Miles of Stream Impacted <input type="checkbox"/> Pounds _____	<u>Navigable/Surface Water</u>
2. _____	_____	<input type="checkbox"/> Lbs Per Year <input type="checkbox"/> Miles of Stream Impacted <input type="checkbox"/> Pounds _____	<u>Navigable/Surface Water</u>

If additional pollutants and corresponding info should be listed, attach information to end of this form.

WETLANDS

For instructions and methodologies for calculating information for Direct Environmental Benefits and Preventative Actions, refer to **Section 5.7** of the Case Conclusion Data Sheet Guidance, Dated August 2004.

Actions With **DIRECT** Environmental Benefits and/or **DIRECT** Response/Corrective Action:

___ Wetlands Mitigation (Includes restoration, creation, and preservation of wetlands)

Cost: \$ _____ (REQUIRED! Form will be returned if this field is blank!)

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	Units <u>CHECK ONE:</u>	Potentially Impacted <u>Media</u>
		<input type="checkbox"/> Acres <input type="checkbox"/> Linear Feet of Small Stream (<10 Feet) <input type="checkbox"/> Linear Feet of Medium Stream (10 to 20 Feet) <input type="checkbox"/> Linear Feet of Large Stream (> 20 Feet)	
1. <u>Fill Material</u>	_____	_____	<u>Wetlands</u>

If additional pollutants and corresponding information should be listed, attach info to end of this form.

OIL SPILL

For instructions and methodologies for calculating information for Direct Environmental Benefits and Preventative Actions, refer to **Section 5.2** of the Case Conclusion Data Sheet Guidance, Dated August 2004.

Actions With **DIRECT** Environmental Benefits and/or **DIRECT** Response/Corrective Action:

Cost: \$ _____ (REQUIRED! Form will be returned if this field is blank!)

CWA Sections 301/311(b) (Oil & Hazardous Substances Discharge):

___ Removal of Spill

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Unit</u> CHECK ONE:	<u>Potentially Impacted Media</u>
1. _____	_____	<input type="checkbox"/> Pounds <input type="checkbox"/> Gallons Spilled	<u>Navigable/Surface Water</u>
2. _____	_____	<input type="checkbox"/> Pounds <input type="checkbox"/> Gallons Spilled	<u>Navigable/Surface Water</u>

CWA Sections 301/311(c)(2)/311(e) (Emergency Powers of Oil Imminent & Substantial Endangerment):

___ Removal of Spill

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Unit</u>	<u>Potentially Impacted Media</u>
1. _____	_____	<u>Gallons</u>	<u>Navigable/Surface Water</u>
2. _____	_____	<u>Gallons</u>	<u>Navigable/Surface Water</u>

If additional pollutants and corresponding information should be listed, attach info to end of this form.

PREVENTATIVE Actions to Reduce Likelihood of Future Releases:

CWA 311(j) (SPCC and/or Federal Response Plan Violations):

___ Develop Spill Prevention Plan

Cost: \$ _____ (REQUIRED! Form will be returned if this field is blank!)

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Unit</u>	<u>Potentially Impacted Media</u>
1. _____	_____	<u>Gallons</u>	<u>Navigable/Surface Water</u>
2. _____	_____	<u>Gallons</u>	<u>Navigable/Surface Water</u>

If additional pollutants and corresponding information should be listed, attach info to end of this form.

FIFRA

For instructions and methodologies for calculating information for Direct Environmental Benefits and Preventative Actions, refer to **Chapter 9** of the Case Conclusion Data Sheet Guidance, Dated August 2004.

Actions With **DIRECT** Environmental Benefits and/or **DIRECT** Response/Corrective Action:

☐ Pesticide Destroyed
☐ Import Denied

Cost: \$ _____ (REQUIRED! Form will be returned if this field is blank!)

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Unit</u>	Potentially Impacted Media CHECK ONE:
1. _____	_____	<u>Pounds</u>	<input type="checkbox"/> Land <input type="checkbox"/> Plants _____
2. _____	_____	<u>Pounds</u>	<input type="checkbox"/> Land <input type="checkbox"/> Plants _____

If additional pollutants and corresponding information should be listed, attach info to end of this form.

FIFRA Continued:

PREVENTATIVE Actions to Reduce Likelihood of Future Releases:

Cost: \$ _____ (REQUIRED! Form will be returned if this field is blank!)

FIFRA Section 12(a)(2)(G) (Misuse):

____ Worker Protection Notification

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Unit</u>	<u>Potentially Impacted Media</u>
1. _____	_____	<u>People</u>	<u>Humans</u>
2. _____	_____	<u>People</u>	<u>Humans</u>

FIFRA Section 12(a)(1)(a) through 12(a)(1)(f)

FIFRA Section 12(a)(2)(a) through 12(a)(2)(s):

____ Pesticide Registered
____ Pesticide Certified
____ Pesticide Claim Removed
____ Pesticide Label Revision

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Unit</u>	<u>Potentially Impacted Media (CHECK ONE):</u>
1. _____	_____	<u>Pounds</u>	<input type="checkbox"/> Land <input type="checkbox"/> <u>Plants</u>
2. _____	_____	<u>Pounds</u>	<input type="checkbox"/> Land <input type="checkbox"/> <u>Plants</u>

If additional pollutants and corresponding information should be listed, attach info to end of this form. .

RCRA

For instructions and methodologies for calculating information for Direct Environmental Benefits and Preventative Actions, refer to **Chapter 7** of the Case Conclusion Data Sheet Guidance, Dated August 2004.

Actions With **DIRECT** Environmental Benefits and/or **DIRECT** Response/Corrective Action:

Cost: \$ _____ (REQUIRED! Form will be returned if this field is blank!)

RCRA 3002 (Standards for Generators of Hazardous Waste);

RCRA 3003 (Standards for Transporters for Hazardous Waste); or

RCRA 3004 (Hazardous Waste Treatment/Storage/Disposal Standards):

- ☐ Waste Treatment
☐ Waste Minimization

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Unit</u>	<u>Potentially Impacted Media - CHECK ONE:</u>
1. _____	_____	<u>Pounds</u>	<input type="checkbox"/> Land <input type="checkbox"/> Ground Water <input type="checkbox"/> Navigable/Surface Water <input type="checkbox"/> Air
2. _____	_____	<u>Pounds</u>	<input type="checkbox"/> Land <input type="checkbox"/> Ground Water <input type="checkbox"/> Navigable/Surface Water <input type="checkbox"/> Air

RCRA 3008(h) (Interim Status Corrective Action Order):

- ☐ Removal of Contaminated Medium
☐ Containment
☐ In Situ or Ex Situ Treatment

<u>Pollutant/Chemical/Waste Stream</u>	<u>Amount</u>	<u>Unit</u>	<u>Potentially Impacted Media - CHECK ONE:</u>
1. _____	_____	<u>Cubic Yards</u>	<input type="checkbox"/> Soil <input type="checkbox"/> Groundwater
2. _____	_____	<u>Cubic Yards</u>	<input type="checkbox"/> Soil <input type="checkbox"/> Groundwater

RCRA Direct Environmental Benefits Continued:**RCRA 3023 (Hazardous Waste Discharge to Federally-Owned Treatment Works):**☐ Removal of Contaminated Medium

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Unit</u>	<u>Potentially Impacted Media</u>
1. _____	_____	<u>Cubic Yards</u>	<u>Groundwater</u>
2. _____	_____	<u>Cubic Yards</u>	<u>Groundwater</u>

RCRA 7003 (Imminent Order: Solid or Hazardous Waste):☐ Removal of Contaminated Medium☐ In Situ or Ex Situ Treatment

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Unit</u>	<u>Potentially Impacted Media - CHECK ONE:</u>
1. _____	_____	<u>Cubic Yards</u>	<input type="checkbox"/> Soil <input type="checkbox"/> <u>Groundwater</u>
2. _____	_____	<u>Cubic Yards</u>	<input type="checkbox"/> Soil <input type="checkbox"/> <u>Groundwater</u>

If additional pollutants and corresponding information should be listed, attach info to end of this form.**PREVENTATIVE Actions to Reduce Likelihood of Future Releases:****Cost: \$ _____ (REQUIRED! Form will be returned if this field is blank!)****RCRA 3002 (Standards for Generators of Hazardous Waste);****RCRA 3003 (Standards for Transporters for Hazardous Waste); or****RCRA 3004 (Hazardous Waste Treatment/Storage/Disposal Standards):**☐ Storage Change☐ Labeling/Manifesting☐ Disposal Change☐ Waste Identification☐ Secondary Containment

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Unit</u> CHECK ONE:	<u>Potentially Impacted Media - CHECK ONE:</u>
1. _____	_____	<input type="checkbox"/> Gallons <input type="checkbox"/> <u>Cubic Yards</u>	<input type="checkbox"/> Land <input type="checkbox"/> Ground Water <input type="checkbox"/> Navigable/Surface Water <input type="checkbox"/> <u>Air</u>
2. _____	_____	<input type="checkbox"/> Gallons <input type="checkbox"/> <u>Cubic Yards</u>	<input type="checkbox"/> Land <input type="checkbox"/> Ground Water <input type="checkbox"/> Navigable/Surface Water <input type="checkbox"/> <u>Air</u>

If additional pollutants and corresponding information should be listed, attach info to end of this form.

UST

For instructions and methodologies for calculating information for Direct Environmental Benefits and Preventative Actions, refer to **Section 7.2** of the Case Conclusion Data Sheet Guidance, Dated August 2004.

Actions With **DIRECT** Environmental Benefits and/or **DIRECT** Response/Corrective Action:

RCRA Section 9003 (UST Release Detection, Prevention, Correction Regulations)

RCRA Sections 9003(c)(3)-(4) (UST Release Detection, Prevention, Correction)

RCRA Section 9005 (Inspections, Monitoring, Testing, Corrective Actions)

Cost: \$ _____ (REQUIRED! Form will be returned if this field is blank!)

___ Removal of Contaminated Medium

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Unit</u>	<u>Potentially Impacted Media</u>
1. _____	_____	<u>Cubic Yards</u>	<u>Soil</u> _____
2. _____	_____	<u>Cubic Yards</u>	<u>Soil</u> _____

If additional pollutants and corresponding information should be listed, attach info to end of this form.

PREVENTATIVE Actions to Reduce Likelihood of Future Releases:

RCRA Section 9003 (UST Release Detection, Prevention, Correction Regulations)

RCRA Sections 9003(c)(3)-(4) (UST Release Detection, Prevention, Correction)

RCRA Section 9005 (Inspections, Monitoring, Testing, Corrective Actions)

Cost: \$ _____ (REQUIRED! Form will be returned if this field is blank!)

___ Secondary Containment

___ Tank Closure

___ Corrosion or Overfill Protection

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Unit</u>	<u>Potentially Impacted Media</u>
1. _____	_____	<u>Gallons</u>	<u>Land</u> _____
2. _____	_____	<u>Gallons</u>	<u>Land</u> _____

If additional pollutants and corresponding information should be listed, attach info to end of this form.

SDWA PWS

For instructions and methodologies for calculating information for Direct Environmental Benefits and Preventative Actions, refer to **Section 5.8** of the Case Conclusion Data Sheet Guidance, Dated August 2004.

Actions With **DIRECT** Environmental Benefits and/or **DIRECT** Response/Corrective Action:

Cost: \$ _____ (REQUIRED! Form will be returned if this field is blank!)

SDWA Section 1412 (National Drinking Water Compliance Schedule)

SDWA Sections 1412/1414 (National Drinking Water Regulations)

SDWA Section 1414(c) (PWS - Notice to Persons Served)

SDWA Section 1414(g) (PWS - Violations of 1414(g) AO)

SDWA Section 1414(g)(3)(D) (PWS - Administrative Penalty Case Collection Action)

SDWA Section 1415 (National Drinking Water Compliance Schedule - Variances)

SDWA Section 1416 (National Drinking Water Compliance Schedule - Exemptions)

SDWA Section 1417 (Lead Pipe, Solder & Flux)

___ Implement BMPs

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Unit</u>	<u>Potentially Impacted Media</u>
1. _____	_____	<u>Cubic Yards</u>	<u>Soil</u> _____
2. _____	_____	<u>Cubic Yards</u>	<u>Soil</u> _____

SDWA 1431 (Emergency Powers)

___ Implement BMPs

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Unit</u>	<u>Potentially Impacted Media</u>
1. _____	_____	<u>People</u>	<u>Drinking Water</u> _____
2. _____	_____	<u>People</u>	<u>Drinking Water</u> _____

SDWA 1463 (Lead in Water Coolers)

___ Implement BMPs

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Unit</u>	<u>Potentially Impacted Media</u>
1. _____	_____	<u>People</u>	<u>Drinking Water</u> _____
2. _____	_____	<u>People</u>	<u>Drinking Water</u> _____

If additional pollutants and corresponding information should be listed, attach info to end of this form.

SDWA PWS Continued

PREVENTATIVE Actions to Reduce Likelihood of Future Releases:

Cost: \$ _____ (REQUIRED! Form will be returned if this field is blank!)

SDWA Section 1412 (National Drinking Water Compliance Schedule)

SDWA Sections 1412/1414 (National Drinking Water Regulations)

SDWA Section 1414(c) (PWS - Notice to Persons Served)

SDWA Section 1414(g) (PWS - Violations of 1414(g) AO)

SDWA Section 1414(g)(3)(D) (PWS - Administrative Penalty Case Collection Action)

SDWA Section 1415 (National Drinking Water Compliance Schedule - Variances)

SDWA Section 1416 (National Drinking Water Compliance Schedule - Exemptions)

SDWA Section 1417 (Lead Pipe, Solder & Flux)

___ Notification

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Unit</u>	<u>Potentially Impacted Media</u>
1. _____	_____	<u>People</u>	<u>Drinking Water</u>
2. _____	_____	<u>People</u>	<u>Drinking Water</u>

If additional pollutants and corresponding information should be listed, attach info to end of this form.

SDWA UIC

For instructions and methodologies for calculating information for Direct Environmental Benefits and Preventative Actions, refer to **Section 5.9** of the Case Conclusion Data Sheet Guidance, Dated August 2004.

PREVENTATIVE Actions to Reduce Likelihood of Future Releases:

Cost: \$ _____ (REQUIRED! Form will be returned if this field is blank!)

SDWA 1422/1423 (UIC Regulations Classes I - V):

- ☐ Obtain Permit for UIC
- ☐ Plug and Abandon
- ☐ Demonstrate Mechanical Integrity

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Unit</u>	<u>Potentially Impacted Media</u>
1. _____	_____	<u>Wells</u>	<u>Water (Underground Source)</u>
2. _____	_____	<u>Wells</u>	<u>Water (Underground Source)</u>

SDWA 1423(c)(7) (Administrative Penalty Case Collection Action):

- ☐ Demonstrate Mechanical Integrity

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Unit</u>	<u>Potentially Impacted Media</u>
1. _____	_____	<u>Wells</u>	<u>Water (Underground Source)</u>
2. _____	_____	<u>Wells</u>	<u>Water (Underground Source)</u>

If additional pollutants and corresponding information should be listed, attach info to end of this form.

TSCA

For instructions and methodologies for calculating information for Direct Environmental Benefits and Preventative Actions, refer to **Chapter 8** of the Case Conclusion Data Sheet Guidance, Dated August 2004.

Actions With **DIRECT** Environmental Benefits and/or **DIRECT** Response/Corrective Action:

Cost: \$ _____ (REQUIRED! Form will be returned if this field is blank!)

TSCA Section 6 (PCBs):

___ Removal of Contaminated Medium (Choose "Cubic Yards" Below)

___ Waste Treatment (Choose "Pounds" Below)

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	Unit CHECK ONE:	Potentially Impacted <u>Media</u>
1. <u>PCBs</u>	_____	<input type="checkbox"/> Cubic Yards <input type="checkbox"/> Pounds	<input type="checkbox"/> Soil <input type="checkbox"/> Land

If additional pollutants and corresponding information should be listed, attach info to end of this form.

PREVENTATIVE Actions to Reduce Likelihood of Future Releases:

Cost: \$ _____ (REQUIRED! Form will be returned if this field is blank!)

TSCA Section 203 (EPA Regulations - Asbestos in Schools):

___ Develop/Implement Asbestos Management Plan

___ Asbestos Training, Certification, and Accreditation

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	Unit CHECK ONE:	Potentially Impacted <u>Media</u>
1. <u>Asbestos</u>	_____	<input type="checkbox"/> Schools <input type="checkbox"/> Building Units	<u>Schools/Housing/Buildings</u>

TSCA Section 205 (Plan Submission - LEA)

___ Asbestos Plan Submission

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	Unit CHECK ONE:	Potentially Impacted <u>Media</u>
1. <u>Asbestos</u>	_____	<input type="checkbox"/> Single-Family Housing Units <input type="checkbox"/> Multi-Family Housing Units <input type="checkbox"/> Building Units	<u>Schools/Housing/Building</u>

If additional pollutants and corresponding information should be listed, attach info to end of this form.

TSCA Preventative Actions Continued:

TSCA Section 206 (Contractor Laboratory Accreditation)

___Asbestos Training/Certification

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Unit</u> CHECK ONE: <input type="checkbox"/> Single-Family Housing Units <input type="checkbox"/> Multi-Family Housing Units <input type="checkbox"/> Building Units	<u>Potentially Impacted Media</u>
1. <u>Asbestos</u>	_____	_____	<u>Schools/Housing/Buildings</u>

TSCA Section 402 (Lead-Based Paint Activities, Training and/or Certification)

TSCA Section 406(a) (HUD 1018 Disclosure Rule)

TSCA Section 406(b) (Lead-Based Paint - Pre-Renovation Education Rule)

___Lead-Based Paint Removal Training/Certification

___Lead-Based Paint Disclosure

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Unit</u> CHECK ONE: <input type="checkbox"/> Single-Family Housing Units <input type="checkbox"/> Multi-Family Housing Units <input type="checkbox"/> Building Units	<u>Potentially Impacted Media</u>
1. <u>Lead-Based Paint</u>	_____	_____	<u>Schools/Housing/Buildings</u>

TSCA Section 6 (PCBs)

___Disposal Change

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Units</u>	<u>Potentially Impacted Media</u>
1. <u>PCBs</u>	_____	<u>Cubic Yards</u>	<u>Land</u>

If additional pollutants and corresponding information should be listed, attach info to end of this form.

ALL STATUTES

FACILITY/SITE MANAGEMENT AND INFORMATION PRACTICES (FMIP)

(Actions That Do Not Result in Pollutant Reductions/Eliminations)

Cost: \$ _____ (REQUIRED! Form will be returned if this field is blank!)

- ☐ Testing/Sampling
- ☐ Auditing
- ☐ Labeling/Manifesting (Non-RCRA)
- ☒ Recordkeeping
- ☒ Reporting
- ☐ Information Letter Response
- ☐ Financial Responsibility Requirements
- ☐ Environmental Management Review
- ☐ RI/FS or RD (CERCLA)
- ☐ Site Assessment/Characterization (CERCLA)
- ☐ Provide Site Access (CERCLA)
- ☐ Monitoring
- ☐ UST Release Detection
- ☐ Stormwater Site Inspections
- ☐ Asbestos Inspections
- ☐ Training
- ☐ Planning
- ☐ Permit Application
- ☐ Work Practices
- ☐ Notification (TSCA Section 6)
- ☐ Leak Detection (CAA)
- ☐ Spill Notification

Has EPA Taken Previous Formal Enforcement Action Regarding These Violations? (Does Not Include NOV's)

☐ Yes ☒ No

If Yes, Docket Numbers of Previous Actions: _____

FOR SELF-DISCLOSURE CASES ONLY
(COMPLETE ONLY IF FACILITY SELF-DISCLOSED VIOLATIONS)

F. Self-Disclosure Information

Did Company Self-Disclose Violations? ☒ Yes ☐ No

Date of Disclosure: 04-25-05

Was the Disclosure Resolved Under: ☐ Audit Policy ☒ Small Business Policy

If Resolved Under Small Business Policy, Provide SIC Code: 2833

Was Disclosure Referred by Another Region or HQ? ☐ Yes ☒ No

If Yes, What Office? _____

Was Disclosure Part of Compliance Incentive Program? ☐ Yes ☒ No

If Yes, Choose All That Apply

- | | |
|--|--|
| <input type="checkbox"/> Bakers CFC Partnership Program | <input type="checkbox"/> Prisons Program |
| <input type="checkbox"/> CMOM POTW Program | <input type="checkbox"/> Storage Tank Emission Reduction Program |
| <input type="checkbox"/> Colleges & Universities Program | <input type="checkbox"/> Stormwater/Commercial Development Program |
| <input type="checkbox"/> Grain Processing Program | <input type="checkbox"/> Telecommunications Incentive Program |
| <input type="checkbox"/> Industrial Organic Chemical Program | <input type="checkbox"/> Wood Treaters Program |
| <input type="checkbox"/> Lead Disclosure Program | _____ |
| <input type="checkbox"/> National Iron & Steel Incentive Program | _____ |
| <input type="checkbox"/> Oil & Gas Program | _____ |

Number of Facilities Associated With This Disclosure? 1

Any Outstanding Issues? ☐ Yes ☒ No (If yes, please describe): _____

Penalty Information:

Penalty Calculation Before Mitigation: \$ 187,000

% or Amount of Gravity-Based Penalty Waived: 100 % OR \$ _____

Gravity-Based Penalty Assessed: \$ -0-

Economic Benefit Assessed: \$ -0-

Rationale for Not Applying Disclosure Policy:

☐ No Violation Occurred

☐ Not a Systematic
Discovery

☐ Discovery Not Voluntary

☐ Disclosure Not Prompt

☐ Entity Had Repeat Violations

☐ Agreement or Order
Violated

☐ Violation(s) Not Corrected Expeditiously

☐ Discovery & Disclosure
Not Independent

☐ Cooperation Insufficient

☐ Actual Serious Harm or
Imminent &
Substantial Endangerment

☐ Federal Facility That Would Not Be Liable for a Penalty

Note: Question Numbers Correspond with the Case Conclusion Data Sheet Guidance Booklet, Dated August 2004.

If You Have Any Questions, Please Contact Teresa Shirley-Wright at 2-9647 or Priscilla Johnson at 2-9614.